

### REMARKS

Pursuant to the above-noted Office Action, claims 1, 3, 10, 11, 13-17, 25 and 27 were rejected under 35 U.S.C. 102(e) given Peterson et al. (U.S. Publication No. 2002/0082956) ("Peterson"). Claims 2 and 12 were rejected under 35 U.S.C. 103(a) given Peterson. Claims 4 and 26 were rejected under 35 U.S.C. 103(a) given Peterson in view of Call (U.S. Patent No. 5,913,210) ("Call"). Claims 5 and 18 were rejected under 35 U.S.C. 103(a) given O'Neil in view of Allen et al. (U.S. Publication No. 2001/0051978) ("Allen"). Claims 6 and 7 were rejected under 35 U.S.C. 103(a) given Peterson in view of Rosenberg et al. (U.S. Publication No. 2002/0097235) ("Rosenberg"). Claims 8, 9, 21-24, and 28 were rejected under 35 U.S.C. 103(a) given Peterson in view of O'Neil et al. (U.S. Patent No. 5,987,440) ("O'Neil"). Claims 19 and 20 were rejected under 35 U.S.C. 103(a) given Peterson and Allen in view of Rosenberg. The applicant respectfully traverses these rejections and requests reconsideration.

Independent claim 1 has been rejected under 35 U.S.C. 102(e) as being anticipated by Peterson. Peterson discloses an information network to support the exchange of product information and sales of products. In general, Peterson discloses a collection of manufacturers, vendors, and end-users providing information through and having access to the information network.

In one disclosed embodiment, the various users of the information network of Peterson provide information by uploading pre-formatted information to a database such that the information stored in the database may then be searched by certain users. (See FIG. 12 and paragraphs [0095], [0096], [0111], [0116] through [0125], and [0315] through [0317].) Further, users may place orders and submit quotes through the information network by storing the orders on the database to be later downloaded and processed by the vendors. (See paragraphs [0174] and [0228].) Peterson characterizes these interactions through a database as "batch functions" in that data is uploaded to the database in a "batch" such that the users may search the uploaded data on the database. (See paragraph [0321].)

As an **alternative**, Peterson describes **replacing** the database with the use of a direct connection between users as a means for exchanging data instead of using the intermediary database. (See paragraph [0322].) Peterson explains "such [batch] functions [can] be **replaced** with a real time connection" to a system located at the vendor's location instead of the database. (Paragraph [0322].) (Emphasis added.) Such a direct connection allows for

information to be distributed over and accessible from a number of host computers. Further, Peterson states that this “real time functionality **would then replace** any batch activities . . . .” (Paragraph [0322].) (Emphasis added.) In other words, Peterson describes that the information network may function with either the database approach **or** the direct connection approach. Peterson, however, does not disclose or suggest an information network utilizing **both** approaches.

As amended, claim 1 clearly specifies that the member information regarding products is stored and accessible **both** in a central storage database **and** in a distributed fashion. Peterson fails to disclose an information network utilizing both designs. Peterson only discloses that the distributed model could **replace** the database model. By utilizing both approaches, the invention as claimed in claim 1 provides a user with both the most up to date information directly from the other users’ databases and the set of information accessible from the central database. Applicant, therefore, respectfully requests that claim 1 be passed to allowance.

Claims 2-14 are ultimately dependent upon claim 1, which claim has been shown allowable above. In addition, these claims set forth subject matter that, particularly when considered in context with the claims from which they depend, constitutes additional incremental patentable subject matter. For example, for the same reasons discussed in the applicant’s Appeal Brief dated July 13, 2004 regarding the Allen reference, there is no motivation to combine the teachings of Peterson and Allen. Similarly, there is no motivation to combine the teachings of Peterson and Rosenberg for the same reasons as discussed in applicant’s Appeal Brief. In addition, the combination of Peterson and O’Neil fails to disclose a billing system based on tracking a member’s use, and there is no motivation to combine the teachings of Peterson and O’Neil for the same reasons as discussed in applicant’s Appeal Brief. For all these reasons, the applicant respectfully submits that claims 2-14 may be passed to allowance.

Independent claim 15 was rejected under 35 U.S.C. 102 given Peterson. The Peterson reference has been characterized above. For the same reasons as discussed above in connection to claim 1, claim 15 is patentable over Peterson. Specifically, claim 15 requires that information be stored at a central storage **and** in remotely connected computers. Peterson only discloses the use of central storage **or** storage in various remotely connected

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computers, not the use of both in the same system. Applicant, therefore, respectfully requests that claim 15 be passed to allowance.

Claims 16-28 are ultimately dependent upon claim 15, which claim has been shown allowable above. Claim 21 has been amended to correct a typographical error to clarify that claim 21 depends from claim 15 instead of claim 1. In addition, these claims provide subject matter that, particularly when considered in context with the claims from which they depend, constitutes additional incremental patentable subject matter. For example, for the same reasons discussed in the applicant's Appeal Brief dated July 13, 2004 regarding the Allen reference, there is no motivation to combine the teachings of Peterson and Allen. Similarly, there is no motivation to combine the teachings of Peterson and Rosenberg for the same reasons as discussed in applicant's Appeal Brief. In addition, the combination of Peterson and O'Neil fails to disclose a billing system based on tracking a member's use, and there is no motivation to combine the teachings of Peterson and O'Neil for the same reasons as discussed in applicant's Appeal Brief. For all these reasons, the applicant respectfully submits that claims 16-28 may be passed to allowance.

There being no other rejections of the claims, the applicant respectfully submits that claims 1-28 may be passed to allowance.

Respectfully submitted,

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